

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 9/12/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CITY OF NEW YORK,	:	
	:	
Plaintiff,	:	1:24-cv-5161-GHW-JW
	:	
-v-	:	<u>ORDER</u>
	:	
ENVIROMD GROUP LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
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GREGORY H. WOODS, United States District Judge:		

On September 11, 2024, Defendants Vape More Inc. and Vape Plus Distribution Corp. (the “Vape More Defendants”) submitted a letter requesting leave to file a motion to dismiss. Dkt. No. 65. The same day, Defendants EnviroMD Group LLC, KLCC Wholesale Inc., RZ Smoke Inc., Urban Smoke Distributors, and GT Imports (the “EnviroMD Defendants”) submitted a letter requesting the same, Dkt. No. 66, as did Defendant Kayla Wholesale, Inc. (“Kayla,” and together with the Vape More Defendants and EnviroMD Defendants, the “Moving Defendants”), Dkt. No. 67.

The Court previously held a conference on the Vape More Defendants’ and EnviroMD Defendants’ previous requests to file motions to dismiss on August 6, 2024, following which the Court granted both sets of Defendants leave to file motions to dismiss. Dkt. No. 53. Plaintiff subsequently amended the complaint. Dkt. No. 61. The Court understands that the Vape More Defendants and EnviroMD Defendants seek to assert substantively the same arguments as in the prior proposed motions to dismiss. Upon review of Kayla’s September 11, 2024 letter, the Court does not believe that a separate pre-motion conference is necessary to discuss Kayla’s anticipated motion to dismiss.

Accordingly, the Moving Defendants’ requests for leave to file motions to dismiss, Dkt. Nos. 65, 66, 67, are granted. The deadline for the Moving Defendants to file and serve their motions to dismiss is September 27, 2024. Plaintiff’s opposition is due within twenty-one days after service of

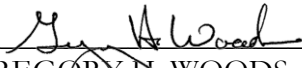
each of the Moving Defendants' motions; the Moving Defendants' replies, if any, are due within seven days after service of the corresponding opposition filed by Plaintiff. Given that three separate motions to dismiss are anticipated, the Court will consider any requests from the parties to consolidate any portion of the briefing in order to conserve the parties' and the Court's resources and time.

Plaintiff is directed to serve a copy of this order on all defendants who are not represented by counsel in this action and to retain proof of service.

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 65, 66, 67.

SO ORDERED.

Dated: September 12, 2024
New York, New York



GREGORY H. WOODS
United States District Judge